

RECEIVED
United States District Court
Northern District of Georgia
2211 United States Courthouse
2005 MAY 23 A.D. 2005
75 Spring Street, SW
Atlanta, Georgia 30303-3361
SEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Luther D. Thomas
Clerk of Court

(404) 215-1361

May 19, 2005

Clerk's Office:

Rule 40 proceedings were held in this district on May 18, 2005 regarding MALIK ELAWAD, N.D.Ga. Case No. 1:05-MJ-602, your Case No. 3:05-MJ-66-CSC. Enclosed are our documents of said proceedings.

If you have any questions, please call the Magistrate Courtroom Deputies' Office at (404) 215-1361.

Sincerely,


Sonya Coggins
Deputy Clerk

Enclosure

AO 94 (10/82) Commitment to Another District (Rule 40, FRCrP)

RECEIVED**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

2005 MAY 23 A 9:35

UNITED STATES OF AMERICA,
 DEBRA F. HARRIS, CLERK
 U.S. DISTRICT COURT
 vs.
 MIDDLE DISTRICT ALA
 MALIK ELAWAD,

COMMITMENT TO ANOTHER DISTRICTCASE NO. 1:05 MJ 602
 FILED IN CLERK'S OFFICE
 U.S.D.C. - Atlanta

Charges against the defendant are filed based upon a(n):

MAY 18 2005

indictment information complaint other (specify) LUTHER D. THOMAS, Clerk
 By: *(Signature)*

charging a violation of Title 18, United States Code, Section(s) 2113(a) & (d), 924(c)(1)(A) Deputy Clerk

DISTRICT OF OFFENSE: Middle District of Alabama

DATE OF OFFENSE: May 2, 2005

DESCRIPTION OF CHARGES: BANK ROBBERY

BOND IS FIXED AT: \$

MAY 18 2005

TO: THE UNITED STATES MARSHAL

Luther D. Thomas, Clerk
 By: Transport that *(Signature)*
 Deputy Clerk *(Signature)*

You are hereby commanded to take custody of the above-named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

Dated at Atlanta, Georgia this 18TH day of May, 2005.

Judie I Walker
 UNITED STATES MAGISTRATE JUDGE**RETURN**

This commitment was received and executed as follows:

Date Commitment Order Received: _____

Place of Commitment: _____

Date Defendant Committed: _____

Date: _____

United States Marshal: _____

(By) Deputy Marshal: _____

**MAGISTRATE'S CRIMINAL MINUTES RECEIVED
REMOVALS (RULE 40)**

2005 MAY 23 A 9:35

FILED IN OPEN COURT
DATE: May 18, 2005 @ 2:40pm
TAPE: 05-21 @ 836
TIME: 2 Hrs. _____ Mins.

DEBORA P. HACKETT, CLK
 U.S. DISTRICT COURT
 MIDDLE DISTRICT ALA

MAGISTRATE Linda T. Walker, PRESIDING **Sonya Coggins, DEPUTY CLERK**
CASE NUMBER 1:05-MJ-602 **DEFENDANT'S NAME Malik Elawad**
AUSA Candiss Howard **DEFENDANT'S ATTY Natasha Silas**
USPO Candice Logan **Type Counsel (circle) Retained FDP**

Initial appearance hearing held.
 Defendant informed of rights.
 ORDER appointing Federal Defender Program attorney for defendant.
 ORDER appointing _____ attorney for defendant.
 ORDER defendant shall pay attorney's fees as follows: _____

Identity Hearing HELD. Court finds that the Government has established that the Defendant is more likely than not the person that is named in the complaint and whom the court has preliminarily found probable cause to bind over to the District Court in which the allegations are alleged.
 Defendant WAIVES preliminary hearing (In this district only). WAIVER FILED.
 Removal hearing set/reset/cont to _____ @ _____.
 Preliminary/Removal hearing HELD.
 Order finding Probable Cause. Defendant held to District Court for removal to other district.
 Order defendant identified as named defendant in indictment/complaint.
 Defendant held to be removed to other district.
 Order defendant removed to other district. Commitment issued _____
 Miscellaneous: _____

BOND/PRETRIAL DETENTION HEARING

Government Motion for DETENTION filed.
 Bond/Pretrial DETENTION hearing held.
 Pretrial detention hearing set for _____. (In charging district)
 (VERBAL) Motion to reduce bond GRANTED.
 (VERBAL) Motion to reduce bond DENIED.
 Pretrial DETENTION ORDERED. (Written order to follow).

BOND FILED. Defendant RELEASED.
 BOND NOT EXECUTED. DEFENDANT TO REMAIN IN MARSHAL'S CUSTODY.

WITNESSES:

Paul Houston, FBI, SWORN, TESTIFIED

Salawad Elawad, SWORN, TESTIFIED

EXHIBITS:

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA)
)
V.) CRIMINAL ACTION NO.:
)
) 1:05-MJ-0602
)
MALIK ELAWAD)

CONSENT ORDER CONTINUING DETENTION HEARING

Before the Court is the defendant's request to continue his detention hearing beyond the five days allotted to the defendant under Title 18, United States Code § 3142(f). The defendant has provided several reasons for his request, namely the need to coordinate travel arrangements for a number of out of district witnesses and the need for counsel in this district to coordinate representation with counsel in the charging district. The Government has indicated that it does not object to the granting of defendant's request to postpone the hearing until Tuesday, May 17, 2005.

Upon consideration of the defendant's motion and the Government's consent, the Court finds that the reasons for defendant's request constitute good cause as contemplated by the statute and hereby orders that the detention hearing along with the preliminary hearing and the identity hearing in the above-captioned matter is continued until May 17, 2005 at 3:00pm before the Honorable Linda T. Walker.

So ordered this 12th day of May, 2005.

/s/

JANET F. KING
UNITED STATES MAGISTRATE JUDGE

Presented by:

V. Natasha Perdew Silas
Staff Attorney
Federal Defender Program, Inc.
1700 The Equitable Building
100 Peachtree Street
Atlanta, Georgia 30303
(404) 688-7530
natasha_silas@fd.org

Attorney for Mr. Elawad

Consented to by:

Candiss Howard
Assistant United States Attorney
600 Richard B. Russell Building
75 Spring Street
Atlanta, Georgia 30303
(404) 581-6000

Attorney for the United States

**ORIGINAL
MAGISTER
REMOVAL**

MAGISTRATE'S CRIMINAL MINUTES REMOVALS (RULE 40)

FILED IN OPEN COURT
DATE: 5/6/05 @ 3:30
TAPE: 05-17 @ 4448
TIME: _____ Hrs. 5 Mins.

MAGISTRATE Linda T. Walker PRESIDING Sonya Coggins DEPUTY CLERK

CASE NUMBER 1:05-MJ-602
AUSA Candiss Howard
USPO

DEFENDANT'S NAME Malik Elawad
DEFENDANT'S ATTY Natasha Silas
Type Counsel (circle) Retained CJA FDP

Initial appearance hearing held.
 Defendant informed of rights.
 ORDER appointing Federal Defender Program attorney for defendant.
 ORDER appointing _____ attorney for defendant.
 ORDER defendant shall pay attorney's fees as follows: _____

Defendant WAIVES removal hearing (as to IDENTITY only). WAIVER FILED.
 Defendant WAIVES preliminary hearing (____ In this district only). WAIVER FILED.
 Removal hearing set/reset/cont to 5/12/05 @ 2:00 pm.
 Removal hearing HELD.
 Order finding Probable Cause. Defendant held to District Court for removal to other district.
 Order defendant identified as named defendant in indictment/complaint. Defendant held to be removed to other district.
 Order defendant removed to other district. Commitment issued _____
 Miscellaneous: Identify hrg. set for 5/12/05 @ 2:00 pm

BOND/PRETRIAL DETENTION HEARING

Government Motion for DETENTION filed.
 Bond/Pretrial DETENTION hearing held.
 Pretrial detention hearing set for 5/12/05 @ 2:00pm. (In charging district)
 (VERBAL) Motion to reduce bond GRANTED.
 (VERBAL) Motion to reduce bond DENIED.
 Pretrial DETENTION ORDERED. (Written order to follow _____).
 BOND SET at \$_____.

NON-SURETY
 SURETY/CASH: _____ Property Acceptable: _____ Corporate Surety Only
 Combination: _____

SPECIAL CONDITIONS:

BOND FILED. Defendant RELEASED.
 BOND NOT EXECUTED. DEFENDANT TO REMAIN IN MARSHAL'S CUSTODY.

ORIGINAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

MAY 06 2005

UNITED STATES OF AMERICA,
Plaintiff,
vs.
MALIK ELAWAD,
Defendant.

THOMAS, Clerk
By:
Deputy Clerk

CASE NO. 1:05-MJ-602

ORDER APPOINTING COUNSEL

NATASHA SILAS

The above-named defendant has testified under oath or has filed with the Court an affidavit of financial status and hereby satisfied this Court that he or she is financially unable to employ counsel.

Accordingly, the **FEDERAL DEFENDER PROGRAM, INC.**, is hereby appointed to represent this defendant in the above-captioned case unless relieved by an Order of this Court or by Order of the Court of Appeals.

Dated at Atlanta, Georgia this 6TH day of May, 2005.



Linda J. Walker
UNITED STATES MAGISTRATE JUDGE

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

MAY 06 2005

LUTHER D. THOMAS, Clerk
By: *Clerk*
Deputy Clerk

**ORDER OF TEMPORARY DETENTION
PENDING HEARING PURSUANT
TO BAIL REFORM ACT**

UNITED STATES OF AMERICA,
vs.
MALIK ELEWAD

CASE NO. 1:05-MJ-602

Upon motion of the Government, it is **ORDERED** that a detention hearing is set for ¹ May 12, 2005 at 2:00 p.m. before United States Magistrate Judge , U.S. Courthouse, Richard B. Russell Building, 16th Floor, Courtroom 5, 75 Spring Street, S.W., Atlanta, Georgia 30303.

Pending this hearing, the defendant shall be held in custody by the United States Marshal and produced for the hearing.

Dated at Atlanta, Georgia this 6 day of June, 2002.



UNITED STATES MAGISTRATE JUDGE

¹If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. 3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. 3142(f) are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate; or attempt to threaten, injure, or intimidate a prospective witness or juror.

ORIGINAL

United States District Court

MIDDLEDISTRICT OFALABAMA

UNITED STATES OF AMERICA

v.
MALIK ELAWAD1:05-MJ-602
WARRANT FOR ARREST

CASE NUMBER: 3:05 MJ 66-CSC

To: The United States Marshal
and any Authorized United States OfficerYOU ARE HEREBY COMMANDED to arrest Malik Elawad

Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment Information Complaint Order of court Violation Notice Probation Violation Petition

charging him or her with (brief description of offense)

by force and violence and by intimidation, take, from the person and presence of another, property and money and any thing of value belonging to, and in the care, custody, control, management and possession of, any bank, and in committing and in attempting to commit said offense, assault any person and put in jeopardy the life of any person by the use of a dangerous weapon and device; and, during and in relation to any crime of violence for which the person may be prosecuted in a court of the United States, used a firearm, or who, in furtherance of said crime, possessed a firearm,

in violation of Title 18 United States Code, Section(s) 2113(a) & (d), 924(c)(1)(A)SUSAN RUSS WALKER

Name of Issuing Officer

Signature of Issuing Officer

U.S. MAGISTRATE JUDGE

Title of Issuing Officer

MAY 4, 2005 MONTGOMERY, ALABAMA

Date and Location

(By) Deputy Clerk

Bail fixed at \$ _____ by _____
Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

United States District Court

MIDDLEDISTRICT OFALABAMA

UNITED STATES OF AMERICA

v.

MORGAN CHIGAWA

WARRANT FOR ARREST

CASE NUMBER:

3:05MJ66-CSC

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Morgan Chigawa

Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

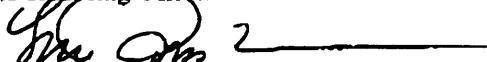
Indictment Information Complaint Order of court Violation Notice Probation Violation Petition

charging him or her with (brief description of offense)

by force and violence and by intimidation, take, from the person and presence of another, property and money and any thing of value belonging to, and in the care, custody, control, management and possession of, any bank, and in committing and in attempting to commit said offense, assault any person and put in jeopardy the life of any person by the use of a dangerous weapon and device; and, during and in relation to any crime of violence for which the person may be prosecuted in a court of the United States, used a firearm, or who, in furtherance of said crime, possessed a firearm,

in violation of Title 18 United States Code, Section(s) 2113(a) & (d), 924(c)(1)(A)SUSAN RUSS WALKER

Name of Issuing Officer



Signature of Issuing Officer

U.S. MAGISTRATE JUDGE

Title of Issuing Officer

MAY 4, 2005 MONTGOMERY, ALABAMA

Date and Location

(By) Deputy Clerk

Bail fixed at \$ _____ by _____
Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

FILED

1 MAY - 4 2005

2 MIDDLE DISTRICT OF ALABAMA

3 MONTGOMERY, ALABAMA

4 CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.5 UNITED STATES OF AMERICA)
6 VS.)
7 MORGAN CHIGAWA;)
8 MALIK ELAWAD)
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28AFFIDAVIT

Being duly sworn, Affiant swears and affirms the following to the best of his knowledge and belief:

This affidavit is in support of a Complaint and Arrest Warrant charging MORGAN CHIGAWA and MALIK ELAWAD, both adults, with violation of 18 United States Code, Section 2113(a) (d) (Armed Bank Robbery), and 924(c) (Use of a Firearm in the Commission of a Felony).

The facts supporting this request are as follows:

Affiant, Paul B. Houston, is employed as a Special Agent with the Federal Bureau of Investigation, and has been so employed for approximately 17 years. As part of my duties, I investigate robberies of banking institutions insured by the Federal Deposit Insurance Corporation (FDIC), and have investigated over 300 such robberies.

On Monday, May 2, 2005, I was summoned to the Regions Bank, located at 3548 Highway 280/431 North in Phenix

1 City, Russell County, Alabama, an institution whose deposits
2 are insured by the FDIC, to investigate a robbery which had
3 occurred at that location shortly before closing time same
4 date. Upon arrival at the bank, I learned through officers
5 of the Phenix City, Alabama, Police Department, that two
6 young black males had entered the bank and stood briefly in
7 line before both brandished weapons, and one of the two fired
8 a shot through the teller counter, which hole I personally
9 saw. At least one of the subjects then leapt the teller
10 counter, while both demanded money and brandished their
11 weapons, shouting obscenities and physically threatening the
12 employees. The bank employees complied with the robbers'
13 demands, and the robbers stuffed United States currency into
14 bags, before leaving the bank through the front door.

15
16 On Tuesday, May 3, 2005, I received copies of
17 handwritten statements of several of the above-mentioned
18 witnesses, pertaining to the May 2, 2005 robbery of the
19 Regions Bank as described above, from Captain Jim Hart of the
20 Phenix City Police Department, which supplemented the general
21 statements given me by the on-scene officers. Those
22 statements reflect in part as follows:

23
24 Tamara Ovdenk, an employee of Regions Bank, 3548
25 Highway 280/431 North in Phenix City, Russell County,
26 Alabama, advised that she was at her place of employment when
27 a short black male entered the bank and stood in line. The
28 subject thereafter approached her teller window and indicated

1 a desire to open an account, to which she responded that he
2 would have to see another employee. The subject stared at
3 Ms. Ovdenk, and she heard another employee scream. The
4 subject then produced a weapon and fired a shot before
5 leaping onto and over the teller counter, while "screaming,
6 Bitch, give me the money." Ms. Ovdenk complied with the
7 subject's demands, producing United States currency from her
8 teller drawer, and the subject grabbed currency from her
9 drawer as well and told her to open her second drawer. Ms.
10 Ovdenk also noted a second subject in the bank as well, who
11 approached her and yelled at her along with the first
12 subject. The second subject took currency from Ms. Ovdenk's
13 teller drawer as well. Ms. Ovdenk noted that the shorter of
14 the two subjects had a noticeable "foreign accent", and that
15 the subjects placed stolen currency into a purple or lavender
16 pillow case.

17

18 Jennifer Jenkins, an employee of Regions Bank, 3548
19 Highway 280/431 North in Phenix City, Russell County,
20 Alabama, advised in her statement that she heard employee
21 Candace Collins (Candy) screaming along with a gunshot. Ms.
22 Jenkins saw bank customers run out the bank, and she noted
23 that a black male wearing a mask and brandishing a gun left
24 Candy's office and pointed the weapon at her. The subject
25 pointed his gun at her and told her to get down, and when she
26 complied, subject dragged her out of her office by the shirt
27 while pointing the gun at the back of her head. The subject
28 continued screaming at her to stay down, saying words to the

1 effect, "Don't make me kill you!" The subject returned to
2 her again and held the gun to her head, telling her to stay
3 calm, and then she saw the two subjects run out of the bank.
4

5 : On Monday, May 2, 2005, affiant personally
6 interviewed a Regions Bank customer, Gregory N. Harrison, who
7 advised that he had just pulled into bank's parking lot and
8 was almost immediately outside the front door of the bank in
9 his vehicle, when he saw two young black males run out of the
10 bank with guns and money in a bag. Harrison described the
11 subjects as being in their early 20s, maybe younger, one
12 being noticeably taller than the other, the taller being
13 5'11", 160 - 165 lbs, light complected, wearing all black
14 clothing, a ball cap and some sort of scarf over his face
15 which fell down as he moved. Harrison said he noticed
16 something white under one of the subject's dark clothing such
17 as undergarments of some sort. The taller subject carried a
18 large, dark semi-automatic weapon, possibly a large handgun
19 or small assault-style weapon, which appeared to be wrapped
20 in something, in his right hand with his left hand apparently
21 supporting the front portion of the weapon as well. Harrison
22 thought this taller subject had "corn rows" in his hair,
23 though he wore a baseball cap.

24
25 : Harrison described the second, shorter subject as
26 being a black male in his early 20's or younger, 5'7" - 5'9",
27 155-160 lbs, slightly darker in complexion than the taller
28 subject, who also wore black clothing and a baseball cap.

1 The shorter subject was carrying a small, dark handgun in his
2 right hand, as well as what Harrison perceived to be money in
3 a garbage bag in his left hand. Harrison advised that this
4 subject also had what appeared to be a pink or red towel
5 draped over the bag of money.

6

7 Harrison said the two subjects strode past his
8 vehicle and looked directly at him before entering a tan or
9 gold late-model Mazda Protege, which was backed into a
10 parking space away from, but generally facing, the bank.
11 Harrison surmised the two had just robbed the bank, so he
12 followed the vehicle away from the bank at a distance, and
13 dialed 9-1-1 from his cellular telephone. Harrison noted
14 that the vehicle did not initially have any license plate
15 affixed to it, but as he continued following the vehicle, he
16 saw it back out of a construction site on Lakewood Drive with
17 Georgia license plate 711 XWH affixed. Harrison advised he
18 was so close to the vehicle he could see the two subjects
19 from the bank inside, the passenger looking back at him.
20 Harrison continued following the Mazda to Summerville Road,
21 onto which the vehicles turned left. Harrison continued
22 following the vehicle until the general area of Pierce Road,
23 at which time he lost sight of the vehicle due to the heavy
24 traffic in the area combined with the aggressive driving of
25 maneuvers of the Mazda. Harrison noted that he was on the
26 cellular telephone with the 9-1-1 operator nearly the entire
27 time.

28

1 On Tuesday, May 3, 2005, I spoke with FBI SA
2 Christian L. Deeb, who had accompanied me to the Regions Bank
3 in response to the above-described, May 2, 2005 robbery of
4 same. He advised that he had spoken with Chris Hudgins,
5 Regions Bank Fraud Investigator, who had responded to the
6 robbery, and that Hudgins advised him that the total loss in
7 United States currency as a result of the robbery was
8 \$10,848.50.

As a part of my investigation, I met with numerous law enforcement officials from various FBI offices in Georgia, primarily Columbus, Atlanta, and Macon, as well as numerous officers from the Columbus, Georgia Police Department. In summary, these officials advised me that following the above-described robbery, a law-enforcement bulletin describing the robbery events, to include the description of the Mazda bearing Georgia license 711 XWH, was broadcast to local law enforcement. Thereafter, Columbus, Georgia Police Department detectives located the vehicle at the Peachtree Mall in Columbus, Georgia. Shortly after its discovery, four black males in a second vehicle pulled alongside the Mazda, parked, and got out of their vehicle. At this same time, two black males left the mall, approached them and exchanged greetings, while moving toward the Mazda. When the Columbus Police Department officers approached and ordered the individuals to the ground, the four males who had just arrived complied immediately, while the two walking toward the Mazda fired upon the officers, striking one

1 officer at least twice before fleeing the scene in the Mazda.

2
3 During the late night hours of Monday, May 2, 2005,
4 reporting agent was present at the Columbus Police
5 Department, Columbus, Georgia, when a series of bank
6 surveillance photographs depicting the above-described
7 robbery was delivered to investigators. One of these
8 photographs which depicts the two subjects inside the bank
9 was shown by FBI SA Tom Class of the Columbus FBI Office, to
10 Heather Lowe Taylor. Ms. Taylor is a 20 year old female, who
11 is the principal driver of the gold Mazda, Georgia license
12 711 XWH, the vehicle being owned by her parents. Ms. Taylor
13 advised SA Class that at about 11:00 a.m., Monday, May 2,
14 2005, she was at the residence of Shane Neal and MORGAN
15 CHIGAWA, 2419 Martha's Loop, Columbus, Georgia, when MALIK
16 ELAWAD asked to borrow the Mazda to take Hassan Elawad, his
17 brother, home. Ms. Taylor allowed MALIK ELAWAD to borrow the
18 vehicle, and MALIK ELAWAD, Hassan Elawad, and MORGAN CHIGAWA
19 left the residence. The vehicle was never returned. Ms.
20 Taylor viewed the bank robbery surveillance photograph from
21 the Regions Bank robbery earlier same date, and positively
22 identified MORGAN CHIGAWA as being the shorter of the two
23 robbers. Ms. Taylor could not be certain of the identity of
24 the second robber, but said it could be MALIK ELAWAD or
25 Hassan Elawad.

26
27 Late in the night of Monday, May 2, 2005, or early
28 in the morning of Tuesday, May 3, 2005, FBI SA Randy Allen

1 interviewed Gamal Elawad, MALIK ELAWAD's brother. Gamal
 2 advised that he saw MALIK ELAWAD wearing dark clothing and
 3 tennis shoes at the family residence sometime around 11:00
 4 a.m. to noon that same day. SA Allen showed Gamal the same
 5 Regions Bank surveillance photograph described above, and
 6 Gamal positively identified the taller of the two robbers as
 7 his brother, MALIK ELAWAD, and the shorter of the two as
 8 MORGAN CHIGAWA. He advised that MALIK ELAWAD has been
 9 associating with MORGAN CHIGAWA since the first of the year,
 10 as both attend Columbus State University.

11

12 Late in the night of Monday, May 2, 2005, or early
 13 in the morning of Tuesday, May 3, 2005, FBI SA Mike Thompson
 14 of the Macon, Georgia FBI Office, interviewed Ayman Elawad,
 15 MALIK ELAWAD's brother. During the course of interview,
 16 Thompson showed Ayman the same Regions Bank robbery
 17 surveillance photograph as mentioned above, and Ayman
 18 positively identified the taller of the two subjects as his
 19 brother, MALIK ELAWAD, and the shorter of the two as MORGAN
 20 CHIGAWA.

21

22 Late in the night of Monday, May 2, 2005, or early
 23 in the morning of Tuesday, May 3, 2005, FBI SA Gordon Hurley
 24 interviewed Christoffer Shane Neal, residence address 2419
 25 Martha's Loop, Columbus, Georgia, and showed him the same
 26 Regions Bank robbery surveillance photograph as mentioned
 27 above. Neal positively identified MORGAN CHIGAWA as being
 28 the shorter of the two robbers, and advised that he has known

1 CHIGAWA for about eight to nine months, and has lived with
 2 him for the past two weeks. Neal positively identified MALIK
 3 ELAWAD as being the taller of the two robbers inside the
 4 bank. Neal noted that MALIK ELAWAD had borrowed Heather
 5 Taylor's Mazda earlier same date to take his (MALIK's)
 6 brother Hassan Elawad home, and that MORGAN had evidently
 7 left with them, though he did not actually see them enter the
 8 vehicle. Neal voluntarily consented to a search of his
 9 residence, during which search a black laptop computer case
 10 belonging to MORGAN CHIGAWA was located which contained,
 11 inter alia, eleven rounds of .38 caliber hollow point
 12 ammunition.

13

14 On Tuesday, May 3, 2005, at approximately 1:15
 15 p.m., FBI SA Gordon Hurley received a telephone call from
 16 Sammy Taylor, Heather Taylor's father, who advised that
 17 minutes earlier Heather had received a telephone call from
 18 MALIK ELAWAD who apologized for not returning her car, saying
 19 the car had sustained a flat tire. When Heather became upset
 20 and said she knew what had happened with the car, MALIK hung
 21 up the phone and has neither returned the vehicle nor called
 22 again.

23

24 Based on the above information, I believe probable
 25 cause exists to believe that MORGAN CHIGAWA and MALIK ELAWAD
 26 committed an armed bank robbery on Monday, May 2, 2005, of
 27 the Regions Bank located at 3548 Highway 280/431 North in
 28 Phenix City, Russell County, Alabama, utilizing a firearm

TOTAL P.14

1 during the commission of the crime, all in violation of 18
2 United States Code, Section 2113(a) and (d), Armed Bank
3 Robbery, and 18 United States Code, Section 924(c), use of a
4 firearm in the commission of a crime of violence.

5

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Paul B. Houston
Special Agent
Federal Bureau of Investigation
Opelika, Alabama

10

Subscribed and sworn to before me this _____ day of May, 2005.

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U.S. Magistrate Judge